IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3692 OF 2004

Rajesh Popat Gaikwad ... Petitioner

versus

State of Maharashtra ... Respondent

...

Mr.S.S. Redekar, for the Petitioner.

Mr.A.S. Gadkari, A.P.P., for the State.

...

CORAM : A.M.KHANWILKAR,J.

14th September 2004

P.C.:

. Heard Counsel for the parties. The bail application as filed is devoid of merit. The applicant has already filed more than one application before the Court below and on every occasion, the Court has indicated good reasons for rejecting the bail application. The learned Counsel contends that no reason has been recorded in the order as passed on the application decided on 14th July 2004. There is no substance in this submission. To my mind, at least, three good

reasons are recorded by the Court below. The first is that the offence is of serious nature. Secondly, the parties are closely related in which case the possibility of the Applicant tampering the evidence cannot be ruled out; and thirdly, that the Applicant is likely to abscond, if released on bail. Each of these reasons are cogent and appropriate. The learned Counsel to get over this position placed reliance on the decision of the Apex Court in A.I.R. 1984 S.C. 372 in the case of Bhagirathsingh Judeja v. State of Gujarat to contend that the concern of the Court should not be that the accused is detained by way of punishment but whether the presence of the accused would be readily available for trial or that he is likely to abuse the discretion granted in his favour by tampering with evidence. For the reasons already recorded by the Court below, to which I am in agrement, the decision of the Apex Court pressed into service is of no avail. Hence, dismissed.

(A.M.KHANWILKAR,J.)